

# **EXHIBIT 3**

**From:** [Rava, William C. \(SEA\)](#)  
**To:** [Phil Mann](#)  
**Subject:** RE: Bungie v. Aimjunkies et al.  
**Date:** Monday, April 17, 2023 11:27:59 AM

---

Thanks for your patience, Phil.

We cannot agree to extend the expert report deadline at this stage in the litigation. As Judge Zilly made clear at the last hearing, we need to try to keep the case on the current calendar, which we adjusted very recently with the Court. Adding in new technical experts at this stage would require significant additional discovery including rebuttal reports, potential written discovery, and may require re-deposing certain Defendants depending on the content of the expert reports. That cannot be completed on current case schedule.

Will

William Rava | Perkins Coie LLP  
PARTNER  
1201 Third Avenue Suite 4900  
Seattle, WA 98101-3099  
D. +1.206.359.6338  
F. +1.206.359.7338  
E. [WRava@perkinscoie.com](mailto:WRava@perkinscoie.com)

-----Original Message-----

From: Phil Mann <[phil@mannlawgroup.com](mailto:phil@mannlawgroup.com)>  
Sent: Wednesday, April 12, 2023 11:34 AM  
To: Rava, William C. (SEA) <[WRava@perkinscoie.com](mailto:WRava@perkinscoie.com)>  
Subject: Re: Bungie v. Aimjunkies et al.

I am thinking our expert will address issues raised primarily in Mr. May's counterclaim and can be addressed relatively soon, so as not to affect other deadlines. Obviously, we will not oppose Bungie's serving a rebuttal report, and we are flexible should Bungie want to modify deadlines so as not to be prejudiced. The intent here is to have both sides prepare their cases without prejudice to either.

Thanks,

Phil

On 4/12/23 10:07 AM, Rava, William C. (SEA) wrote:

> Thanks, Phil, we will confer with our client and revert in the next day or so.

>

> Do you know now (a) when you would propose/anticipate serving expert reports, (b) how many you anticipate serving, and (c) what the topics would be, generally (eg contract damages or DMCA technical stuff)? Our response might be impacted by, among other factors, whether your proposed timing impacts other deadlines and/or might require us to identify and retain new experts for rebuttal.

>

> Will

>

> William Rava | Perkins Coie LLP  
> PARTNER  
> 1201 Third Avenue Suite 4900  
> Seattle, WA 98101-3099  
> D. +1.206.359.6338  
> F. +1.206.359.7338

> E. WRava@perkinscoie.com

>

> -----Original Message-----

> From: Phil Mann <phil@mannlawgroup.com>

> Sent: Tuesday, April 11, 2023 12:54 PM

> To: Rava, William C. (SEA) <WRava@perkinscoie.com>

> Subject: Bunge v. Aimjunkies et al.

>

> Will,

>

> Because the counterclaims in this case were not permitted to go forward until February of this year, and because the deadline for providing expert reports passed long before then, we intend to move for an extension of the expert disclosure deadline to permit expert reports limited to the issues raised by the counterclaims.

>

> Please let me know at your earliest convenience whether you will agree to such an extension or will oppose our request.

>

> Best Regards,

>

> Phil

>

>

>

>

>

>

> NOTICE: This communication may contain privileged or other confidential information. If you have received it in error, please advise the sender by reply email and immediately delete the message and any attachments without copying or disclosing the contents. Thank you.